



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,399	01/05/2001	Gary Hallmark	50277-1646	4042

29989 7590 07/21/2003

HICKMAN PALERMO TRUONG & BECKER, LLP
1600 WILLOW STREET
SAN JOSE, CA 95125

[REDACTED] EXAMINER

COBY, FRANTZ

ART UNIT	PAPER NUMBER
	2171

DATE MAILED: 07/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/757,399	Applicant(s) Hallmark et al.
Examiner Frantz Coby	Art Unit 2171



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Mar 18, 2003
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 27-52 and 56-88 is/are pending in the application.
- 4a) Of the above, claim(s) NONE is/are withdrawn from consideration.
- 5) Claim(s) 27-52 and 56-88 is/are allowed.
- 6) Claim(s) NONE is/are rejected.
- 7) Claim(s) NONE is/are objected to.
- 8) Claims NONE are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on Nov 27, 2002 is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). <u>5</u>	6) <input type="checkbox"/> Other: _____

Art Unit: 2171

Reissue Applications

This is in response to Applicant's amendment filed on March 18, 2003 in which claims 27, 29-31, 33, 35-37, 44, 63, 65-73 and 80 were amended and claims 20-26 and 56-62 were canceled.

Claim Status

27-52 and 56-88 are pending.

Drawings

The drawings filed on October 21, 2002 and November 27, 2002 are acceptable by the Examiner.

Specification

1. The disclosure is objected to because of the following informalities: the first line of the specification should be included to mention Application No. 10/153,983, which is a divisional of Application No. 09/757,399. Proper language for the first line in the specification may be found in MPEP 1451.

It is also noted in the text of original patent, Application No. 08/127,585 should be followed with the language "now abandoned". This correction must be made in response to this office action.

Appropriate correction is required.

Allowable Subject Matter

2. Claims 27-52 and 63-88 are allowable over the prior art of record.

Art Unit: 2171

The Applicant is reminded that a divisional application may be filed for the claims 1-19 that were allowed in the original patent.

Conclusion

3. This application is in condition for allowance except for the following formal matters:
formal drawings and the offer to surrender the original patent.

Prosecution on the merits is closed in accordance with the practice under *Ex parte*
Quayle, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any response to this action should be mailed to:

Commissioner of Patents and trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-9051, (for formal communications

intended for entry)

Or:

(703) 308-5357 (for informal draft
communications, please label "PROPOSED" or "DRAFT")

Art Unit: 2171

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz Coby whose telephone number is (703) 305-4006. The examiner can normally be reached Monday through Friday from 9:30 A.M. to 6:00 P.M.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703)308-1436. The Fax phone number for this Group is After Final (703) 746-7328; Official (703) 746-7239; Non-Official/Draft (703) 746-7240.



**FRANTZ COBY
PRIMARY EXAMINER**

July 16, 2003